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**doption of the report of the Committee on its**
**rty-third session**

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**Addendum**

## Programme questions: proposed programme budget for the biennium 2004-2005

*(Item 4 (a))*

### Section 8
### Legal affairs

1. At its 12th meeting, on 18 June 2003, the Committee for Programme and Coordination considered section 8, Legal affairs, of the proposed programme budget for the biennium 2004-2005 (A/58/6 (Sect. 8)).

2. The representative of the Secretary-General introduced section 8 and responded to queries raised during the Committee's consideration of the budget section.

**Discussion**

3. General support was expressed for the high quality of outputs delivered and efficiency of services provided by the Office of Legal Affairs, particularly online treaty database services, web sites and the work of the Division for Ocean Affairs and the Law of the Sea.

4. Satisfaction was expressed with the overall quality of the presentation of the proposed programme budget of section 8 and particularly for the well-formulated and measurable expected accomplishments and indicators of achievement. The Committee welcomed the review of outputs by the Office and proposed deletion of 127 outputs in the biennium 2004-2005 which are obsolete or of marginal impact.

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5. Satisfaction was also expressed in support of the budget proposal, especially the high degree of flexibility it offered in terms of rationalization of resources to meet the new challenges arising from the shifts in priorities. The proposed redeployments in the Treaty Section to strengthen the work of the Division for Ocean Affairs and the Law of the Sea and the General Legal Division were welcomed, as was the proposed strengthening of the United Nations Commission on International Trade Law (UNCITRAL).

6. The Committee noted the work done by the Office in following the recommendations presented in the report of the Office of Internal Oversight Services on the in-depth evaluation of legal affairs (E/AC.51/2002/5). Satisfaction was expressed in particular with the proposed actions taken to implement recommendation 15 in table 8.23, which addressed the need to review the resource requirements of UNCITRAL arising from the expanded number of working groups. However, the Committee expressed concern at the lack of policy, precision and time frame offered for recommendation 4 (b) regarding legal assistance provided to peacekeeping operations and other missions.

7. Concern was expressed at the proposed reductions in certain functions and the impact those reductions would have in particular for subprogramme 3, Progressive development and codification of international law, and subprogramme 6, Custody, registration and publication of treaties. The view was expressed that the resource requirements for the Administrative Tribunal should be reflected in another part of the proposed programme budget to ensure its independence. The view was also expressed that section 1, Overall policy-making, direction and coordination, might perhaps be a more indicative location for the resources for the Administrative Tribunal. The Committee was informed that the resources for the Tribunal were included in section 8 only for administrative purposes and that the interaction between the Office of Legal Affairs and the Tribunal related entirely to administrative matters. The Committee was further informed that the Office of Legal Affairs respected the independence of the Tribunal and therefore there were no discussions on the substantive aspects of its work. Concern was also expressed at the delay, backlogs and level of effectiveness of the Administrative Tribunal.

8. Regarding the possible reconvening in 2004 and 2005 of an ad hoc Committee to consider a convention to ban human cloning, concern was expressed that the budget fascicle did not indicate that adequate resources had been provided.

9. The view was expressed that as the United Nations was not affiliated with the International Criminal Court, resources under the regular budget should not be used for any activities related to the International Criminal Court.

10. With respect to subprogramme 1, it was pointed out that while it was appropriate for the Office of Legal Affairs to advise bodies that were part of the United Nations system on "formulation of statements of public international law and analysis of specific legal issues", it was not the mandate of the Office to provide such advice to other governmental institutions, non-governmental institutions and the public. The view was expressed that, in working within its mandate, the Division for Ocean Affairs and the Law of the Sea should not interpret the practices and norms of States regarding the law of the sea. The Secretariat gave assurances that its actions did not involve making value judgements and that the Division for Ocean Affairs and the Law of the Sea delivered technical assistance upon request of Member States.

11. The view was also expressed that the consultative process on oceans and the law of the sea was not "newly established"; instead, it had met annually for the past three years. It was therefore not a basis or justification for the growth in the budget of this programme.

12. On subprogramme 5, Progressive harmonization and unification of the law of international trade, queries were raised on the methods regarding the in-depth collection of data for the formulated indicators of achievement reflected in table 8.18. The Committee was assured that the Office of Legal Affairs had established methods for collecting the necessary statistical data to enable the department to determine an accurate measurement of performance corresponding to each of the indicators of achievement.

13. Views were expressed that the proposals to integrate the secretariat of the Sixth Committee into the Department for General Assembly and Conference Management and to discontinue the production of the *Repertory of Practice of United Nations Organs* were not entirely within the thrust of decisions taken by the General Assembly in its resolutions 57/283 B of 15 April 2003 and 57/300 of 20 December 2002, and that those proposals would require further review and action by the Assembly. It was also noted that the integration of the secretariat of the Sixth Committee under section 2 had not yet been accepted by members of the Sixth Committee, who were still consulting with the Secretariat in that regard, and accordingly there should be no redeployments of resources to the Department for General Assembly and Conference Management nor should there have been reductions related to the discontinuation of the *Repertory of Practice of United Nations Organs* and the recurrent outputs. On the other hand, views were expressed in support of the proposals with the indication that the integration of the Sixth Committee secretariat into the Department for General Assembly and Conference Management could be beneficial for Member States.

14. With reference to external factors, the Committee noted that reliance on technology was not an external factor. Therefore, paragraph 8.50 (c) was not representative of an external factor.

**Conclusions and recommendations**

15. **The Committee recommended that the General Assembly approve the programme narrative of section 8, Legal affairs, of the proposed programme budget for the biennium 2004-2005, subject to the following modifications:**

*Paragraph 8.3*

16. **Under paragraph 8.3, before the words "registers and publishes treaties", insert as an objective "assists Member States regarding implementation of the international legal order for seas and oceans as well as the law of treaties".**

*Paragraph 8.12*

17. **Rephrase the third task of the Division to read "The Division for Ocean Affairs and the Law of the Sea should provide services for the effective application of the international judicial order of the sea and the ocean, thus helping in the understanding, acceptance and consequent application of the**

**United Nations Convention on the Law of the Sea (1982) and the related agreements."**

***Paragraph 8.31 (b) (ix)***

18. **At the end of the paragraph, insert "meeting the requests of Governments on questions relating to international public law through the relevant subsidiary organs in accordance with the existing practice".**

***Table 8.14***

19. **Under Indicators of achievement (a) (iv), rephrase the *Performance measures* for 2000-2001, Estimate 2002-2003 and Target 2004-2005 to read "1 week, observing the 6-week rule for documentation".**

***Paragraph 8.39 (a) (v)***

20. **Replace the title "Ad Hoc Committee on the Elaboration of Legal Instruments for the Prevention of Terrorist Acts" with "Ad Hoc Committee established in accordance with General Assembly resolution 51/210 of 17 December 1996".**

***Paragraph 8.39 (b) (i)***

21. **Under Recurrent publications, include "and *Yearbook of the International Law Commission*, 2002, volumes I and II (General Assembly resolution 987 (X), judgements, advisory opinions, consultations and orders of the International Court of Justice)".**

***Table 8.18***

22. **Under Indicators of achievement, paragraph (a), add a new subparagraph (ix) reading "Higher number of international transactions and higher volume of international debt trade carried out under the regime of UNCITRAL".**